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UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
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mc 07-149

Delaware Clerk of District Court Date 07/30/07
(District)

In Re: Downes C. of A. Nos. 07-2968
(Caption)

William D. Downes Jr.
(Appellants)

(District Ct. No)

Enclosures:

07/30/07 Certified copy of C. of A. Order by the Court.
(Date)

Released (Record)

Copy of this form to acknowledge receipt and return to C. of A.

Record not released at this time until appeal(s) closed at No. (s)

Please forward Certified List in Lieu of Record to this office.

The certified copy of the judgment reissued as the mandate on 1/11/07 is recalled.

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Appeals (Certified List in Lieu of Record)

DLD-297

July 12, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 07-2968

IN RE: WILLIAM D. DOWNES, JR.,

Petitioner

07mc149

Present: BARRY, AMBRO and FISHER, CIRCUIT JUDGES.

Submitted is Petitioner's application under 28 U.S.C. § 2244 to file a second or successive petition under 28 U.S.C. § 2254 in the above-captioned case.

Respectfully,

Clerk

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 AUG -1 PM 3:42

MMW/KLB/clc

ORDER

The foregoing application to file a second or successive habeas petition is denied. See 28 U.S.C. § 2244(a). Petitioner has not made a prima facie showing that his claim rests on a new rule of constitutional law or that the facts underlying the new claim, if proven, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found him guilty. See 28 U.S.C. § 2244(b)(2).

By the Court,

/s/ D. Michael Fisher

Circuit Judge

Dated: July 30, 2007

lwc/cc: Mr. William D. Downes Jr.



Marcia M. Waldron

Marcia M. Waldron, Clerk